

AMENDED IN SENATE JUNE 16, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 4, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1235

Introduced by Assembly Member Hayashi

February 27, 2009

~~An act to amend Section 512 of the Labor Code, relating to security officers.~~ *An act to add Section 130061.6 to the Health and Safety Code, relating to health facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1235, as amended, Hayashi. ~~Security officers: meal periods.~~
Hospitals: seismic safety.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, establishes, under the jurisdiction of the Office of Statewide Health Planning and Development, a program of seismic safety building standards for certain hospitals constructed on and after March 7, 1973. Existing law authorizes the office to assess an application fee for the review of facilities design and construction, and requires that full and complete plans be submitted to the office for review and approval.

Existing law requires that, after January 1, 2008, any general acute care hospital building that is determined to be a potential risk of collapse or pose significant loss of life be used only for nonacute care hospital purposes, except that the office may grant a 5-year extension under prescribed circumstances. Existing law also allows the office to

grant an additional extension to the January 2008 deadline for certain general acute care hospital buildings owned or operated by a county, city, or county and city that has requested an extension of this deadline by January 1, 2009, if specified conditions are met.

This bill would also allow the office to grant the additional extension for a hospital building that is owned or operated by the County of Alameda on the Alameda County Medical Center's Fairmont Campus, if the board of supervisors files a declaration that meets specified requirements. This bill would state the findings and declarations of the Legislature regarding the need for special legislation.

~~The Private Security Services Act provides for the licensure and regulation of private patrol operators by the Bureau of Security and Investigative Services in the Department of Consumer Affairs. Under existing law, security guards and street patrolpersons are employed by private patrol operators to perform specified functions.~~

~~Existing law, except as specified, prohibits an employer from employing an employee for a work period of more than 5 hours per day without providing the employee with a meal period of not less than 30 minutes. Existing law, except as specified, also prohibits an employer from employing an employee for a work period of more than 10 hours per day without providing the employee with a 2nd meal period of not less than 30 minutes.~~

~~This bill would provide that the above prohibitions regarding meal periods do not apply to a registered security officer who is employed by a registered private patrol operator if the security officer is covered by a valid collective bargaining agreement containing specified provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 130061.6 is added to the Health and*
- 2 *Safety Code, to read:*
- 3 *130061.6. (a) Notwithstanding subdivision (c) of Section*
- 4 *130061.5 and in lieu of the extension authorized pursuant to that*
- 5 *subdivision, the office may also approve an extension of the*
- 6 *deadline described in subdivision (a) or (b) of Section 130060 for*
- 7 *a general acute care hospital building that is classified as a*
- 8 *nonconforming SPC-1 building and is owned or operated by the*

1 *County of Alameda on the Alameda County Medical Center's*
2 *Fairmont Campus, if the board of supervisors of Alameda County*
3 *files a declaration with the office stating that, as of the date of that*
4 *filing, the County of Alameda lacks the ability to meet the*
5 *requirements of subdivision (a) of Section 130060 for that building*
6 *pursuant to subdivision (b) of that section. The declaration shall*
7 *state the commitment of the hospital to replace those buildings by*
8 *January 1, 2020, with other buildings that meet the requirements*
9 *of Section 130065 and shall meet all of the following requirements:*

10 *(1) The hospital owner submits, by June 1, 2010, a facility*
11 *master plan for all the buildings that are subject to subdivision*
12 *(a) of Section 130060 that the hospital intends to replace by*
13 *January 1, 2020. The facility master plan shall identify at least all*
14 *of the following:*

15 *(A) Each building that is subject to subdivision (a) of Section*
16 *130060.*

17 *(B) The plan to replace each building with buildings that would*
18 *be in compliance with subdivision (a) of Section 130065.*

19 *(C) The building or buildings to be removed from acute care*
20 *service and the projected date or dates of that action.*

21 *(D) The location for any new building or buildings, including,*
22 *but not limited to, whether the owner has received a permit for*
23 *that location. The replacement buildings shall be planned within*
24 *the same service area as the buildings to be removed from service.*

25 *(E) A copy of the preliminary design for the new building or*
26 *buildings.*

27 *(F) The number of beds available for acute care use in each*
28 *new building.*

29 *(G) The timeline for completed plan submission.*

30 *(H) The proposed construction timeline.*

31 *(I) The proposed cost at the time of submission.*

32 *(J) A copy of any records indicating the hospital governing*
33 *board's approval of the facility plan.*

34 *(2) By June 1, 2013, the hospital owner submits to the office a*
35 *building plan that is deemed ready for review by the office, for*
36 *each building.*

37 *(3) By June 1, 2015, the hospital owner receives a building*
38 *permit to begin construction, for each building that the owner*
39 *intends to replace pursuant to the master plan.*

1 (4) *Within six months of receipt of the building permit, the*
2 *hospital owner submits a construction timeline that identifies at*
3 *least all of the following:*

4 (A) *Each building that is subject to subdivision (a) of Section*
5 *130060.*

6 (B) *The project number or numbers for replacement of each*
7 *building.*

8 (C) *The projected construction start date or dates and projected*
9 *construction completion date or dates.*

10 (D) *The building or buildings to be removed from acute care.*

11 (E) *The estimated cost of construction.*

12 (F) *The name of the contractor.*

13 (5) *Every six months thereafter, the hospital owner reports to*
14 *the office on the status of the project, including any delays or*
15 *circumstances that could materially affect the estimated completion*
16 *date.*

17 (6) *The hospital owner pays to the office an additional fee, to*
18 *be determined by the office, sufficient to cover the additional cost*
19 *incurred by the office for maintaining all reporting requirements*
20 *established under this section, including, but not limited to, the*
21 *costs of reviewing and verifying the financial information submitted*
22 *pursuant to paragraph (2) of subdivision (b) of Section 130061.5.*
23 *This additional fee shall not include any cost for review of the*
24 *plans or other duties related to receiving a building or occupancy*
25 *permit.*

26 (b) *A hospital filing a declaration pursuant to this section but*
27 *failing to meet any of the deadlines set forth in this section shall*
28 *be deemed in violation of this section, and Sections 130060 and*
29 *130061.5, and shall be subject to loss of licensure.*

30 SEC. 2. *The Legislature finds and declares that a special law*
31 *is necessary and that a general law cannot be made applicable*
32 *within the meaning of Section 16 of Article IV of the California*
33 *Constitution because of the following unique circumstances:*

34 *The inability of the County of Alameda to comply with the*
35 *deadlines imposed by Senate Bill 1953 (Statutes of 1994) and*
36 *Senate Bill 306 (Statutes of 2007) will result in a loss of health*
37 *care capacity that may not be provided by another acute care*
38 *rehabilitation center within a reasonable proximity of the campus.*

39 ~~SECTION 1. Section 512 of the Labor Code is amended to~~
40 ~~read:~~

1 512. ~~(a) An employer may not employ an employee for a work~~
2 ~~period of more than five hours per day without providing the~~
3 ~~employee with a meal period of not less than 30 minutes, except~~
4 ~~that if the total work period per day of the employee is no more~~
5 ~~than six hours, the meal period may be waived by mutual consent~~
6 ~~of both the employer and employee. An employer may not employ~~
7 ~~an employee for a work period of more than 10 hours per day~~
8 ~~without providing the employee with a second meal period of not~~
9 ~~less than 30 minutes, except that if the total hours worked is no~~
10 ~~more than 12 hours, the second meal period may be waived by~~
11 ~~mutual consent of the employer and the employee only if the first~~
12 ~~meal period was not waived.~~

13 ~~(b) Notwithstanding subdivision (a), the Industrial Welfare~~
14 ~~Commission may adopt a working condition order permitting a~~
15 ~~meal period to commence after six hours of work if the commission~~
16 ~~determines that the order is consistent with the health and welfare~~
17 ~~of the affected employees.~~

18 ~~(c) Subdivision (a) does not apply to an employee in the~~
19 ~~wholesale baking industry who is subject to an Industrial Welfare~~
20 ~~Commission wage order and who is covered by a valid collective~~
21 ~~bargaining agreement that provides for a 35-hour workweek~~
22 ~~consisting of five 7-hour days, payment of one and one-half times~~
23 ~~the regular rate of pay for time worked in excess of seven hours~~
24 ~~per day, and a rest period of not less than 10 minutes every two~~
25 ~~hours.~~

26 ~~(d) If an employee in the motion picture industry or the~~
27 ~~broadcasting industry, as those industries are defined in Industrial~~
28 ~~Welfare Commission Wage Order Numbers 11 and 12, is covered~~
29 ~~by a valid collective bargaining agreement that provides for meal~~
30 ~~periods and includes a monetary remedy if the employee does not~~
31 ~~receive a meal period required by the agreement, then the terms,~~
32 ~~conditions, and remedies of the agreement pertaining to meal~~
33 ~~periods apply in lieu of the applicable provisions pertaining to~~
34 ~~meal periods of subdivision (a) of this section, Section 226.7, and~~
35 ~~Industrial Welfare Commission Wage Order Numbers 11 and 12.~~

36 ~~(e) Subdivisions (a) and (b) do not apply to a security officer~~
37 ~~who is registered pursuant to Chapter 11.5 (commencing with~~
38 ~~Section 7580) of Division 3 of the Business and Professions Code,~~
39 ~~and who is employed by a private patrol operator who is also~~
40 ~~registered pursuant to that chapter, if the security officer is covered~~

1 by a valid collective bargaining agreement that expressly provides
2 for the wages, hours of work, working conditions, and meal periods
3 of employees, final and binding arbitration of disputes concerning
4 the application of its meal period provisions, premium wage rates
5 for all overtime hours worked, and a regular hourly rate of pay
6 that is not less than 30 percent more than the state minimum wage.
7 SEC. 2. ~~Notwithstanding any other provision of law, the~~
8 ~~addition of subdivision (e) to Section 512 of the Labor Code made~~
9 ~~by this act does not affect the nature or scope of the law relating~~
10 ~~to meal periods, including the timing of the commencement of a~~
11 ~~meal period, for employees or employers not covered by that~~
12 ~~subdivision.~~